

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NATIONAL MEDICAL SERVICES,
INC.,

Plaintiff,

v.

INDX LIFECARE, INC.,

Defendant.

Case No. 16-cv-04425 NC

**ORDER TO SHOW CAUSE
REGARDING DEFENDANT INDX'S
CITIZENSHIP**

Re: Dkt. No. 15

Plaintiff National Medical Services, Inc. (NMS) filed a motion for a default judgment against defendant iNDx Lifecare, Inc (iNDx). Dkt. No. 15. In its complaint, NMS alleges that the parties are diverse in citizenship. Dkt. No. 1 at 2. In support, NMS alleges that it is a Pennsylvania corporation with its principal place of business in Pennsylvania, and that iNDx is a Delaware corporation with a business office in California. Dkt. No. 1 at 2.

However, a corporation is a citizen of both its state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). NMS did not allege iNDx's principal place of business at the time the action was brought. *See Grupo Dataflux v. Atlas Global Group, L.P.*, 541 U.S. 567, 571 (2004) (subject matter jurisdiction must be premised upon facts that exist at the time of filing). Without this information, the Court cannot determine whether it has subject matter jurisdiction over this case.

Thus, the Court ORDERS NMS to file a declaration supporting NMS's assertion of Case No. 16-cv-04425 NC

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the Court’s subject matter jurisdiction over this case by June 6, 2017.

Failure to do so will result in the Court dismissing the case for lack of subject matter jurisdiction.

IT IS SO ORDERED.

Dated: May 30, 2017



NATHANAEL M. COUSINS
United States Magistrate Judge